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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,649	03/25/2004	Earl David Forrest	60137-238; 445-3115-U	7491

26096 7590 10/31/2005
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EXAMINER

JACKSON, ANDRE L

ART UNIT PAPER NUMBER

3677

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/809,649	Applicant(s) FORREST ET AL.	
	Examiner Andre' L. Jackson	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-10 and 12-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Applicant's Amendment

In response to applicant's amendment after final filed October 13, 2005 where applicant has rewritten independent claim 1 to include limitations from an indicated allowable dependent claim is respectfully withdrawn due to reconsideration of the prior art of record. Further, the indicated allowability of claims 10 and 12-20 is also respectfully withdrawn in view of misinterpretation of the prior art of record. Applicant's amendment after final has been entered and made of record in the file. Rejections based on the reconsideration of the prior art of record is as follows:

Claim Objections

Claim 1 is objected to because of the following informalities:

A broad range or limitation together with a narrow range or limitation that falls within the broad range or limitation (in the same claim) is considered indefinite, since the resulting claim does not clearly set forth the metes and bounds of the patent protection desired. See MPEP § 2173.05(c). Note the explanation given by the Board of Patent Appeals and Interferences in *Ex parte Wu*, 10 USPQ2d 2031, 2033 (Bd. Pat. App. & Inter. 1989), as to where broad language is followed by "such as" and then narrow language. The Board stated that this can render a claim indefinite by raising a question or doubt as to whether the feature introduced by such language is (a) merely exemplary of the remainder of the claim, and therefore not required, or (b) a required feature of the claims. Note also, for example, the decisions of *Ex parte Steigewald*, 131 USPQ 74 (Bd. App. 1961); *Ex parte Hall*, 83 USPQ 38 (Bd. App. 1948); and *Ex parte Hasche*, 86 USPQ 481 (Bd. App. 1949).

In the present instance, claim 1 recites the broad recitation "said intermediate member has at least three lobes", and the claim also recites "said intermediate member has only three lobes" which is the narrower statement of the range/limitation. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,430,994 to Keeler. Keeler discloses an operating handle knob comprising;

an operating handle knob (32) having an inner bore (36), the inner bore being non-cylindrical; an intermediate member (10) having an inner bore (12) to receive a shaft (42) from a control valve, the intermediate member having a non-cylindrical outer periphery; and the non-cylindrical bore and the non-cylindrical outer periphery mating to provide a contact surface such that rotation of the operating handle knob rotates the intermediate member, the contact surface includes at least three lobes (16, 18, 20) extending from one of the knob and intermediate member, and at least three notches (116, 118, 120) formed in the other of the knob and the intermediate member; the intermediate member has the at least three lobes extending from the outer periphery that fit into the at least three notches formed in the bore of the knob; and the intermediate member has only three lobes and is generally A-shaped as seen in Fig. 5.

As to claims 5 and 6, the intermediate member has a central apex lobe (20) and two side lobes (16, 18) wherein the apex lobe being generally stiffer than the side lobes due to a slot (14) between the side lobes.

As to claims 7, 8 and 9, the lobes have split ends extending from the outer periphery of the intermediate member and separated by separate concave channel. As seen in Fig. 1, the lobes include a ribbed outer surface (space between each set (16-16'; 18-18'; 20-20')), with side ribs at lobes (16, 18) extending circumferentially outwardly of a central leg portion and a forward rib at (20) extending forwardly of the central leg portion. As seen in Fig. 1 and 5, the spacing of the side lobes are space by an angle that is greater than an angle spacing of the corresponding notches in the bore of the knob due to the slot, such that there is a spring force applied to the side lobes when received in their respective notches.

Claims 10 and 12-20 are rejected under 35 U.S.C. 102(b) as being anticipated by USPN 3,430,994 to Keeler. Keeler discloses an operating handle comprising;

a knob (32) having a particular appearance, and a bore (36) with an inner periphery that is non-cylindrical; and a plurality of intermediate members (10, 130), the intermediate members each having a central bore (12) designed to receive a dimmer switch shaft, the intermediate members having a non-cylindrical outer periphery, the non-cylindrical bore and non-cylindrical outer periphery mating to provide a contact surface such that rotation of the knob rotates the intermediate member, the contact surface includes a plurality of lobes (16, 18, 20) generally A-shaped extending from the intermediate member that fit into a plurality of notches (116, 118, 120) formed in the knob.

As to claims 14 and 15, the intermediate member has a central apex lobe (20) and two side lobes (16, 18) wherein the apex lobe being generally stiffer than the side lobes due to a slot (14) between the side lobes.

As to claims 16-18 and 20, the lobes have split ends extending from the outer periphery of the intermediate member and separated by separate concave channel. As seen in Fig. 1, the lobes include a ribbed outer surface (space between each set (16-16'; 18-18'; 20-20')), with side ribs at lobes (16, 18) extending circumferentially outwardly of a central leg portion and a forward rib at (20) extending forwardly of the central leg portion. As seen in Fig. 1 and 5, the spacing of the side lobes are space by an angle that is greater than an angle spacing of the corresponding notches in the bore of the knob due to the slot, such that there is a spring force applied to the side lobes when received in their respective notches.

Response to Applicant's Arguments

In response to applicant's amendment after final filed October 13, 2005 where applicant has rewritten independent claim 1 to include limitations from an indicated allowable dependent claim is respectfully withdrawn due to reconsideration of the prior art of record. Further, the indicated allowability of claims 10 and 12-20 is also respectfully withdrawn in view of misinterpretation of the prior art of record. A telephone call was made to Mr. Olds on October 26, 2005 to discuss applicants after final amendment to resolve outstanding issues presented by the Examiner by examiner's amendment, but Mr. Olds suggested that a non-final Action be sent out with the Examiner's reconsideration of the claims. Applicant's amendment after final has been entered and made of record in the file. Accordingly, claims 1, 5-10 and 12-20 are found to be unpatentable over Keeler as presently presented.

Conclusion

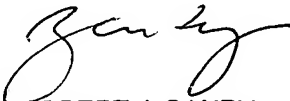
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (9:30 am - 6 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER